

Message Text

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PAGE 01 NAIROB 16435 191456Z

ACTION AF-10

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FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC 3556

C O N F I D E N T I A L NAIROBI 16435

E. O. 11652: GDS

TAGS: PINT, KE

SUBJ: GOVERNMENT STATEMENT ON ODINGA'S ARREST

REF: NAIROBI 16378, NAIROBI 16115

1. AN ASSISTANT MINISTER IN OFFICE OF THE PRESIDENT EXPLAINED TO PARLIAMENT DEC 16 WHY FORMER VICE PRESIDENT ODINGA ODINGA WAS ARRESTED AT RECENT FUND-RAISING GATHERING. THE ASSISTANT MINISTER, HENRY WARIITHI, GAVE EXPLANATION IN RESPONSE TO QUESTION FROM MP AYODO, WHO WAS ARRESTED WITH ODINGA ON DEC 10.

2. WARIITHI STATED GOK WILL NOT TOLERATE POLITICS BEING INJECTED INTO "HARAMBEE" FUND-RAISING ACTIVITIES NOR WILL IT ALLOW PRESIDENT'S NAME TO BE MISUSED. HE ALSO STATED THAT SPEAKERS AT INTERRUPTED MEETING TALKED OF ISSUES "WHICH WOULD HAVE RESULTED IN A BREACH OF THE PEACE AND SECURITY OF THOSE ATTENDING THE MEETING." HE FURTHER STATED THAT SOME OF SPEECHES WERE "PREJUDICIAL TO THE SECURITY OF THE STATE."

3. QUESTIONED SHARPLY BY SEVERAL LUO MP'S, WARIITHI REFUSED TO ELABORATE ON NATURE OF OFFENDING REMARKS. MP ONYANGO MIDIKA, RESPONDING TO WARIITHI'S REMARK ABOUT MISUSE OF
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 NAIROB 16435 191456Z

PRESIDENT'S NAME, ASKED WHETHER IT WAS A CRIME TO PRAISE PRESIDENT KENYATTA AT A PUBLIC MEETING. WARIITHI DODGED QUESTION AND SIMPLY REAFFIRMED THAT IT IS "NOT IN ORDER WHATSOEVER TO BRING POLITICS INTO HARAMBEE MEETINGS."

4. MIDIKA MADE IMPASSIONED PLEA FOR GOVERNMENT NOT TO DISCRIMINATE AGAINST LUOS. HE SAID DISCRIMINATION MIGHT

"DISRUPT THE PRESENT SPIRIT OF HARAMBEE," AND APPEALED FOR GOVERNMENT TO ALLOW LUOS TO BE "FREE AS OTHER KENYANS TO CONDUCT HARAMBEE FUNCTIONS WITH NO THREATS OR TENSIONS." HE ALSO POINTED OUT THAT KENYA IS "A DEMOCRATIC COUNTRY WHERE FREEDOM OF MOVEMENT AND OF SPEECH HAS BEEN GUARANTEED BY THE GOVERNMENT, UNDER THE WISE LEADERSHIP OF PRESIDENT JOMO KENYATTA."

5. "THE WEEKLY REVIEW" DEC 19 SAID ODINGA WAS BEING INVESTIGATED ON POSSIBLE CHARGES OF "THREATENING TO KILL AND THREATENING A BREACH OF THE PEACE." THESE CHARGES, ACCORDING TO THE NEWSMAGAZINE, RESULTED FROM ANGRY EXCHANGE OF WORDS BETWEEN ODINGA AND POLICE SUPERINTENDENT JUST PRIOR TO ARREST AT MEETING HALL. WHETHER CHARGES WILL BE PRESSED REMAINS UNCLEAR. ODINGA REMAINED AS IRREPRESSIBLE AS EVER AFTER RELEASE FROM ARREST, TELLING "WEEKLY REVIEW" HIS ARREST ACCOMMODATIONS WERE "UNFIT FOR HUMAN USE."

6. COMMENT: GOVERNMENT, BY WARIITHI'S STATEMENT, HAS ACCEPTED RESPONSIBILITY FOR ODINGA'S ARREST IN MANNER WHICH CLEARLY IMPLIES ODINGA CAN EXPECT CONTINUED HARASSMENT IF HE PERSISTS IN EFFORTS TO RETURN TO NATIONAL POLITICAL SCENE. WARIITHI MADE NO ATTEMPT TO PLACATE LUOS BY ATTEMPTING TO SHOW ODINGA'S ARREST WAS JUSTIFIED. REASONS GIVEN FOR ARREST AND BREAK-UP OF MEETING HAVE NO APPARENT CONNECTION WITH LAWS OF KENYA. MESSAGE TO KENYA'S LUOS IS WARNING TO ABANDON
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 NAIROB 16435 191456Z

ODINGA. FOR HIS OWN PART, ODINGA TOLD "WEEKLY REVIEW" HE HAS NO INTENTION OF CEASING HIS FUND-RAISING ACTIVITIES.

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